

House No. 101

Message from His Excellency the Governor recommending legislation relative to An Act providing emergency measures to assist the Commonwealth's fiscal recovery.

The Commonwealth of Massachusetts



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GOVERNOR

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January 28, 2009

To the Honorable Senate and House of Representatives:

I am filing for your consideration a bill entitled "An Act Providing Emergency Measures to Assist the Commonwealth's Fiscal Recovery." I am also notifying you of the attached allotment reductions under section 9C of chapter 29 of the General Laws.

On January 13, I informed you that estimated revenues were insufficient to meet authorized expenditures for fiscal year 2009 by approximately \$1.1 billion. As required by law, I now propose the following solutions to resolve this deficiency:

- \$191 million in spending reductions from the attached list, including \$128 million in reduced local aid from lottery aid and additional assistance, as authorized by Chapter 1 of the Acts of 2009;
- repeal of sales tax exemptions for alcoholic beverages, candy, and sweetened drinks, the revenue to be deposited in a new Commonwealth Wellness Fund to pay for existing public health programs, as proposed in this legislation. These repealed exemptions are expected to generate \$25 million to assist our solution in the remainder of fiscal year 2009, and the fiscal year 2010 budget that I also filed today relies on \$121.5 million from a full year of these revenues;
- \$25 million in additional revenues from tax settlements;
- \$18 million in Registry of Motor Vehicle fee increases;
- \$327 million from the Commonwealth Stabilization Fund, also proposed to be transferred in this bill;
- \$533 million in federal recovery aid, which I estimate will be received well before the end of this fiscal year.

This legislation also provides urgent additional municipal revenues to help offset the impact of the local aid reductions. These proposals eliminate the property tax exemption for telephone poles and telecom switching stations, and allow cities and towns, at local option, to levy an additional 1 percent excise on meals and hotel stays. Finally, they seek a statewide 1 percent

increase in the meals and room occupancy excises, generating about \$150 million to be redistributed to all cities and towns. Together with a new Municipal Partnership Act that I am also filing today, these proposals will provide cities and towns with the tools they need to respond to the present fiscal emergency.

This legislation also contains numerous other provisions to address the Commonwealth's fiscal concerns in fiscal year 2009 and beyond. A detailed list of these other provisions is attached.

The continuing revenue deficiency that all these measures seek to resolve is an inevitable result of a national economy in deep recession, the most serious in generations. I believe that these proposed solutions are the best choices among miserable options. I intend to continue working closely with you to resolve these difficult fiscal problems confronting our Commonwealth.

I urge your prompt and favorable consideration of this legislation.

Sincerely,

DEVAL L. PATRICK,

Governor.

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT PROVIDING EMERGENCY MEASURES TO ASSIST THE COMMONWEALTH'S FISCAL RECOVERY.

Whereas, The deferred operation of this act would tend to defeat its purposes, which are forthwith to make supplemental appropriations for fiscal year 2009 and to make certain changes in law, each of which is immediately necessary to carry out those appropriations or to accomplish other important public purposes, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

To provide for supplementing certain items in the general appropriation act and other appropriation acts for fiscal year 2009, the sums set forth in section 2 are hereby appropriated from the General Fund unless specifically designated otherwise in this act or in those appropriation acts, for the several purposes and subject to the conditions specified in this act or in those appropriation acts, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

SECTION 2.

EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

Highway Department

6030-

7201.....\$58,611,381

SECTION 2A. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section are hereby appropriated from the General Fund unless specifically designated otherwise in this section, for the several purposes and subject to the conditions specified in this section, and subject to the laws regulating the disbursement of public funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts previously appropriated and made available for the purposes of those items.

EXECUTIVE OFFICE OF HEALTH AND HUMAN SERVICES

Department of Public Health

4513-1010 For the department of public health; provided, that said department may expend not more than \$7,000,000 in revenue received from the collection of federal financial participation for early intervention services delivered to Medicaid-eligible children by developmental educators and professionals in related disciplines; provided further, that nothing in this item shall give rise to or shall be construed as giving rise to enforceable legal rights to any such services or an enforceable entitlement to the services funded in this item; and provided further, that the revenue may be used to pay for current and prior year claims

4513-1012 The department of public health may expend not more than \$25,600,000 from revenues received from the federal cost-containment initiatives including, but not limited to, infant formula rebates; provided, that for the purpose of accommodating timing discrepancies between the receipt of retained revenues and related expenditures, the department may incur expenses and the comptroller may certify for payment amounts not to exceed the lesser of this authorization or the most-recent revenue estimate as reported in the state accounting system.....

EXECUTIVE OFFICE OF PUBLIC SAFETY AND SECURITY

Department of State Police

8100-0515 For the estimated expenses of hiring, equipping and training state police recruits to maintain the strength of the state police; provided that 100 per cent of the amount appropriated in this item shall be imposed as a policy surcharge and collected and remitted to the commissioner of insurance in accordance with section 116E of chapter 6 of the General Laws

Municipal Police Training Committee

8200-0210 For the expanded annual training programs for veteran and reserve municipal police officers and expanded recruit training conducted by the municipal police training committee, including development and delivery

of distance learning programs for municipal police officers, and development and execution of a standards and evaluations program for training courses and instructors of or certified by the committee; provided, that notwithstanding any general or special law to the contrary, the training fee for new recruits of municipal police departments and those law enforcement officers employed by agencies of the commonwealth who exercise police powers, including but not limited to environmental police officers and campus police officers of the University of Massachusetts and state colleges who exercise police powers, shall be covered by this item; and provided further, that 100 per cent of the amount appropriated in this item, including fringe benefit charges, shall be imposed as a policy surcharge and collected and remitted to the commissioner of insurance in accordance with section 116E of chapter 6 of the General Laws

Military Division

8700-1140 For the state quartermaster who may expend not more than \$1,400,000 from revenues collected for the purposes described in this item; provided, that the state quartermaster may expend from fees collected for the non-military rental or use of armories for the costs of utilities and maintenance; and provided further, that the state quartermaster may expend not more than \$250,000 for salaries, subsistence, quarters and associated costs for national guard soldiers ordered to perform state missions under chapter 33 of the General Laws, from revenues resulting from the acceptance of funds from any person, governmental entity or non-governmental entity to defray such expenses.....

SECTION 2B. To provide for supplementing certain intragovernmental chargeback authorizations in the general appropriation act and other appropriation acts for fiscal year 2008, to provide for certain unanticipated intragovernmental chargeback authorizations, to provide for an alteration of purpose for current intragovernmental chargeback authorizations, and to meet certain requirements of law, the sums set forth in this section are hereby authorized from the Intragovernmental Service Fund for the several purposes specified in this section or in the appropriation acts, and subject to the provisions of law regulating the disbursement of public funds for the fiscal year ending June 30, 2009. These sums shall be in addition to any amounts previously authorized and made available for the purposes of those items.

EXECUTIVE OFFICE OF TRANSPORTATION AND PUBLIC WORKS

Highway Department

6030-7501\$1,000,

Commission on the Status of Women Reporting Deadline Change

SECTION 3. Section 66 of chapter 3 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 47, the word "June" and inserting in place thereof the following word:- October.

Municipal Police Training - 2

SECTION 4. Chapter 6 of the General Laws is hereby amended by inserting after section 116D, inserted by section 7 of chapter 176 of the acts of 2008, the following section:-

Section 116E (a) Sums for the estimated expenses of providing annual in-service specialized and statutorily-mandated training programs conducted by the municipal police training committee for veteran and reserve municipal police officers and for those officers employed by agencies of the commonwealth who exercise police powers and receive this training from the municipal police training committee, including but not limited to environmental police officers and campus police officers of the University of Massachusetts and state colleges who exercise police powers, shall be paid to the commissioner of insurance by property and casualty insurance companies writing motor vehicle insurance policies in the commonwealth by means of a policy surcharge imposed upon the policyholder of any private passenger automobile policy issued by any property and casualty insurance company writing motor vehicle insurance policies in the commonwealth. These programs shall include new recruit training provided by the municipal police training committee; development and delivery of distance learning programs by the municipal police training committee; a standards and evaluations program for training courses and instructors of or certified by the municipal police training committee; the development and updating of training programs including curricula by the municipal police training committee, hiring, equipping, and training new state police recruits; and the development and operation of a state police cadet program including the hiring, equipping, and training of state police cadets, subject to appropriation, and the estimated cost of fringe benefits associated with this training hiring and employment. The amount of any surcharge shall be separately stated on either a billing or policy declaration sent to an insured. The rate of the policy surcharge shall be determined and adjusted annually by the commissioner of insurance to a rate sufficient to generate a surcharge to fund the expenses estimated by the secretary of public safety and security for the purposes described above.

(b) The policy surcharge shall be collected and remitted to the commissioner of insurance by the property and casualty insurance companies writing motor vehicle insurance policies in the commonwealth on a quarterly basis on or before the 25th day of the month succeeding the end of the quarter in which it is collected. Any company failing or refusing to collect and remit to the commissioner of insurance any policy surcharge or whose surcharge payments are not postmarked by the due dates for quarterly filing shall be liable for a penalty of up to \$100 for each day of delinquency, to be assessed by the commissioner of insurance. The estimated costs shall include an amount equal to the cost of fringe benefits as established by the secretary of administration and finance under section 6B of chapter 29. Any surcharge collected in a fiscal year but not expended by the municipal police training committee or department of state police for the purposes set forth in this section shall be retained by the commonwealth for use by the municipal police training committee or department of state police. The retained surcharge shall be credited against the amounts required to be collected under this section in the following year, and those required payments shall be reduced by the amount of this credit.

Qualifications of Commission on Medicolegal Investigations

SECTION 5. Section 184 of chapter 6 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 9 and 10, the words "and who are members of the Massachusetts Society of Pathologists and who reside in the commonwealth", and inserting in place thereof the following words:- ,but the governor may appoint to either of these 2 seats a pathologist certified by the American Board of Pathology if, after a diligent search, no forensic pathologist is available.

SBFR Audit

SECTION 6. Chapter 7A of the General Laws is hereby amended by striking out section 12, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:-

Section 12. (a)(1) All reports published under this section shall be filed with the governor, the secretary of administration and finance, the house and senate committees on ways and means and the clerks of the house and senate, and any other parties specified in general or special law.

(2) The comptroller shall prepare an annual statutory basis financial report based on the final closing of the accounting records. The report shall be published not later than October 31 of each year.

(3) The statutory basis financial report shall present fairly the aggregated financial statements for the budgeted governmental funds and tables of beginning and ending balances, revenues and sources and expenditures and uses for the non-budgeted governmental funds, and the capital project governmental funds. These statements shall be reviewed in accordance with professional standards established by the American Institute of Certified Public Accountants. The reports shall be prepared in accordance with the accounting system established by the comptroller under section 7, as cash outflows, including expenditures made in accordance with section 13 of chapter 29 and cash inflows including receipts of federal grants and subsidies from other governmental entities for reimbursement of such expenditures.

(4) The comptroller shall include, supplemental to the aggregated financial statements in the statutory basis financial report, a statement of the consolidated net surplus in the budgetary funds for the preceding fiscal year, in accordance with section 5C of chapter 29 and the amount by which such surplus exceeds the maximum allowable amount in accordance with section 2H of chapter 29.

(5) Accompanying the statutory basis financial statements, the comptroller shall include financial statements for the budgeted funds that compare the budgeted amounts to final operations for each fund subject to appropriation.

(6) The comptroller may include narratives, statistical tables, and other disclosures and reference material in the statutory basis financial report that he considers appropriate in his professional judgment.

(b) The comptroller shall prepare an annual federal funds report based on the final closing of the accounting records which shall be published not later than the second Wednesday in January and shall present fairly all federal funds received by each agency and department during the fiscal year. The report shall include for each program of federal financial participation the opening balances, revenues, and other sources, expenses and other uses, and ending balances for the fiscal year. The final federal funds report shall be audited in conjunction with the state single audit, and the report of the auditor shall be included.

(c) The comptroller shall prepare a comprehensive annual financial report in conformity to generally accepted accounting principles for governments which shall be published not later than

the second Wednesday in January. The report shall be audited in accordance with generally accepted auditing standards and generally accepted governmental auditing standards, and the report of the auditor shall be included.

DPL Trust Amendment – Fees -1

SECTION 7. Section 35V of chapter 10 of the General Laws, as so appearing, is hereby amended by striking out, in line 6, the words “and (c)” and inserting in place thereof the following words:- , (c) and (d).

DPL Trust Amendment – Fees -2

SECTION 8. Said section 35V of chapter 10, as so appearing, is hereby further amended by adding the following subsection:-

(d) Notwithstanding any general or special law to the contrary, 50 per cent of any increase in fees for obtaining or renewing a license, certificate, registration or permit issued by a board serving within the division that becomes effective on or after July 1, 2009 shall become part of the fund established under subsection (a).

Motor Vehicle Emissions Inspection and Maintenance Program-1

SECTION 9. Section 61 of said chapter 10, as so appearing, is hereby amended by striking out, in lines 4 and 5, the words “from that portion of the fee owed to” and inserting in place thereof the following word:- by.

Motor Vehicle Emissions Inspection and Maintenance Program-2

SECTION 10. Said section 61 of chapter 10, as so appearing, is hereby further amended by striking out, in line 14, the figure “2009” and inserting in place thereof the following figure:- 2011.

CA/T – TIF issue - Technical Fix

SECTION 11. Section 63 of said chapter 10, as amended by section 13 of chapter 306 of the acts of 2008, is hereby further amended by striking out the sixth paragraph and inserting in place thereof the following paragraph:-

At the direction of the secretary of administration and finance, the comptroller shall make payments from the fund established under this section, without further appropriation, for the purposes specified in this section.

Natural Resource Damages

SECTION 12. Chapter 21A of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2A. The secretary is hereby designated as the state natural resource trustee and may compromise or settle any claim for damages for injury to and for destruction or loss of natural resources, including the costs of assessing and evaluating the injury, destruction or loss, incurred or suffered as a result of a release or threat of release, under section 5 of chapter 21E, 42 U.S.C. §9607(f), and 33 U.S.C. §2706, and other applicable law in accordance with this section. If any such claim, including the costs of assessment, is valued at not more than \$100,000, or at a higher amount determined in writing by the attorney general, the secretary may settle and compromise the claim if the secretary has given written notice and all pertinent information regarding the settlement to the attorney general or her designee at least 30 days before execution of the settlement. The secretary may compromise or settle claims valued at greater than \$100,000, or at a higher amount determined in writing by the attorney general, only with the prior written approval of the attorney general or her designee.

Commonwealth Wellness Fund

SECTION 13. Chapter 29 of the General Laws is hereby amended by inserting after section 2YYY the following section:-

Section 2ZZZ. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Commonwealth Wellness Fund. The fund shall be credited with all sales tax revenues collected from the sale of candy, soft drinks and alcoholic beverages under chapter 64H. Amounts credited to the fund shall be expended, subject to appropriation, to support alcohol and tobacco addiction services, health promotion, school-based health programs, teenage pregnancy prevention, domestic violence and sexual assault prevention, work force expansion services and other critical programs that support the wellness of residents of the commonwealth.

OSD Statewide Contract Administrative Fee

SECTION 14. Chapter 29 of the General Laws is hereby amended by inserting after section 2ZZZ the following section:-

Section 2AAAA. (a) There shall be established and set upon the books of the commonwealth a separate fund to be known as the State Contract Administrative Fee Fund. Amounts credited to the fund shall be expended to pay for the direct and indirect costs, including but not limited to the cost of personnel, of the operational services division of the executive office for administration and finance to procure, manage and administer statewide contracts.

(b) The operational services division may charge and collect from statewide contractors a statewide contract administrative fee, to be established by the executive office for administration and finance. Fees charged and collected under this paragraph shall be credited to the State Contract Administrative Fee Fund created in paragraph (a).

Health Care Security Trust Board

SECTION 15. Section 4 of chapter 29D of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out subsection (d) and inserting in place thereof the following subsection:-

(d) The board of trustees shall consist of 7 trustees, including the secretary of administration and finance or a designee, the executive director of the group insurance commission or a designee, the executive director of the public employee retirement administration commission or a designee, the state treasurer or a designee, the comptroller or a designee and 2 additional trustees, one of whom shall be appointed by the governor and one of whom shall be appointed by the state treasurer. The appointed trustees shall serve for terms of 5 years and shall be experienced in the field of investment, financial management, law and public management. Trustees shall be eligible for reappointment.

State Use of OCIPs

SECTION 16. Chapter 30 of the General Laws is hereby amended by inserting after section 39S the following section:-

Section 39T. Notwithstanding section 8 of chapter 268A, the following agencies may implement competitively procured owner controlled insurance programs, and may permit the use of contractor controlled insurance programs, on projects having estimated construction costs equal to or greater than \$50,000,000 (a) the division of capital asset management and maintenance, (b) the department of highways, (c) the Massachusetts Port Authority, the Massachusetts Water Resources Authority, (d) the Massachusetts State Colleges Building Authority, and (e) the University of Massachusetts Building Authority.

Management of the SRBTF

SECTION 17. Section 24 of chapter 32A of the General Laws, as inserted by section 8 of chapter 61 of the acts of 2007, is hereby amended by striking out paragraph (a) and inserting in place thereof the following paragraph:-

(a) There shall be established and set up on the books of the commonwealth a fund to be known as the State Retiree Benefits Trust Fund, in this section referred to as the fund. The Health Care Security Trust board of trustees established by section 4 of chapter 29D shall be the trustee of and shall administer the fund, in accordance with that section. The fund shall be an expendable trust not subject to appropriation.

Duties and Authority of HCST Board

SECTION 18. Said section 24 of chapter 32A, as so appearing, is hereby further amended by inserting after paragraph (e) the following 3 paragraphs:-

(f) The trustees shall adopt an annual budget for the fund and supplemental budgets that the trustees consider necessary, subject to the approval of the general court. Funding for the budget shall be from the investment return of the fund. If the general court takes no final action to disapprove a budget within 60 days after its filing with the clerk of the house of representatives and the clerk of the senate, the budget shall be considered to be approved. If the general court disapproves a budget within 60 days after it has been filed, the trustees shall operate under the annualized budgetary level most recently approved pending the filing and subsequent approval of any other annual or supplemental budget request.

(g) The trustees shall engage actuaries experienced in retiree health care costs to perform annual actuarial calculations in accordance with Government Accounting Standards Board Statements 43 and 45, using data as needed from the group insurance commission, the public employee retirement administration commission, the state treasurer and the comptroller and prepare funding schedules to be filed in accordance with section 25.

(h) The trustees shall engage an independent auditor to perform an audit of the State Retiree Benefits Trust Fund's assets, liabilities, net assets, investments and operations on an annual basis in accordance with government auditing standards and policies established by the comptroller. The audit report shall be made available to all participating subdivisions, authorities, boards or instrumentalities not later than September 15, annually.

Technical Amendment to CME Qualifications

SECTION 19. Section 2 of chapter 38 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 6, the words "in Forensic Pathology" and inserting in place thereof, the following words:- with certification in anatomic pathology and subspecialty certification in forensic pathology.

SECTION 20. Said section 2 of chapter 38, as so appearing, is hereby further amended by striking out, in lines 7 to 8, the words ", a diplomate of the American Board of Anatomic and Forensic Pathology".

Telecom

SECTION 21. Section 5 of chapter 59 of the General Laws, as so appearing, is hereby amended by inserting after the word "than", in line 220, the following words:- a telephone or telegraph corporation taxed under section 52A of chapter 63 or.

SECTION 22. Said section 5 of said chapter 59 of the General Laws, as so appearing, is hereby further amended by inserting after the words “two A”, in line 223, the following words:- , other than a telephone or telegraph corporation,.

SECTION 23. Clause Sixteenth of said section 5 of said chapter 59 of the General Laws is hereby further amended by striking out paragraph (2), as inserted by section 2 of chapter 173 of the acts of 2008, and inserting in place thereof the following paragraph:-

(2) In the case of (a) a business corporation subject to tax under section 39 of chapter 63 that is not a manufacturing corporation, or (b) a telephone or telegraph corporation subject to tax under section 52A of chapter 63, all property owned by the corporation other than the following:- real estate, poles, underground conduits, wires and pipes, and machinery used in the conduct of the business, which term, as used in this clause, shall not be considered to include stock in trade or any personal property directly used in connection with dry cleaning or laundering processes or in the refrigeration of goods or in the air-conditioning of premises or in any purchasing, selling, accounting or administrative function. Notwithstanding the preceding sentence, a telephone or telegraph corporation shall be subject to property tax assessment on machinery used in the conduct of its business and leased to it by a corporation that is not a telephone or telegraph corporation, and the telephone or telegraph corporation shall include such property on its list to the board of assessors where the property is situated under section 29 of this chapter.

SECTION 24. Clause Fifth of section 18 of said chapter 59, as appearing in the 2006 Official Edition, is hereby amended by adding the following 2 sentences:- Poles, underground conduits, wires and pipes of telecommunications companies laid in or erected upon public or private ways and property shall be assessed to their owners in the cities or towns where they are laid or erected. For purposes of this clause, telecommunications companies shall include cable television, internet service, telephone service, data service and any other telecommunications service providers.

Disclosure Exception for Meals and Hotel/Motel Tax

SECTION 25. Subsection (b) of section 21 of chapter 62C of the General Laws, as amended by section 8 of chapter 205 of the acts of 2007, is hereby amended by adding the following clause:-

(24) the disclosure of information necessary for administration of the local option excises imposed by section 2A of chapter 64H and section 3A of chapter 64G.

DOR Paying Interest on Refunds

SECTION 26. Section 40 of chapter 62C of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out the first 2 sentences of subsection (b) and inserting in place thereof the following 2 sentences:- If any overpayment of tax is refunded within 90 days after the last day prescribed for filing the return of such tax, determined without regard to any extension of time for filing the return, or, in case the return is filed after such last date, is refunded within 90 days after the date the return is filed, no interest shall be allowed hereunder on such overpayment. If any overpayment of tax is not refunded within 90 days after a return is filed where such return is filed after the last day prescribed for filing such return, determined without regard to any extension of time for filing such return, interest shall be allowed hereunder on such overpayment only from the date the return is filed.

Hotel/Motel Tax

SECTION 27. Section 3 of chapter 64G of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 4, the word “five” and inserting in place thereof the following figure:- 6.

SECTION 28. Said section 3 of said chapter 64G, as so appearing, is hereby further amended by inserting after the word “equivalent.”, in line 6, the following sentence:- Before applying section 35J of chapter 10 or any other general or special law to the revenues generated by this section, 1 percentage point of the excise shall be deposited in the General Fund.

SECTION 29. Section 3A of said chapter 64G of the General Laws, as so appearing, is hereby amended by striking out, in line 5, the word “four” and inserting in place thereof the following number:- 5.

SECTION 30. Said section 3A of said chapter 64G of the General Laws, as so appearing, is hereby further amended by striking out, in line 10, the number “4.5” and inserting in place thereof the following number:- 5.5.

Meals Tax

SECTION 31. Chapter 64H of the General Laws is hereby amended by inserting after section 2 the following section:-

Section 2B. (a) In addition to the excise imposed by section 2, an excise is hereby imposed upon the sale of restaurant meals in the commonwealth at the rate of 1 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the service is exempt under section 6. The vendor shall pay the sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth under section 2, but the tax under this paragraph shall only be used to provide additional local aid to cities and towns.

(b) Any city or town which accepts this paragraph may impose a local sales tax upon the sale of restaurant meals originating within the city or town by any vendor at a rate of up to, but not exceeding, 1 per cent of the gross receipts of the vendor from the sale of restaurant meals. No excise shall be imposed if the sale is exempt under section 6. The vendor shall pay the local sales tax imposed under this section to the commissioner at the same time and in the same manner as the sales tax due to the commonwealth. The commissioner may adopt, by rule or regulation, destination sourcing rules for caterers or other vendors with a high volume of delivered meals, as the commissioner may determine, in order to mitigate any anti-competitive impact of the local option meals tax.

(c) All sums received by the commissioner under paragraph (b) shall at least quarterly be distributed, credited and paid by the state treasurer upon certification of the commissioner to each city or town that has adopted paragraph (b) in proportion to the amount of the sums received from the sales of restaurant meals in that city or town. Any city or town seeking to dispute the commissioner’s calculation of its distribution under this paragraph must so notify the commissioner, in writing, no later than one year from the date the tax was distributed by the commissioner to the city or town.

(d) Paragraph (b) shall take effect only in a city or town that accepts it as provided in section 4 of chapter 4. The paragraph shall take effect on the first day of the calendar quarter following 30 days after this acceptance, or on the first day of a later calendar quarter that the city or town may designate.

(e) The commissioner may make available to cities and towns any information necessary for administration of the excise imposed by this section, including but not limited to a report of the amount of local option sales tax on restaurant meals collected in the preceding fiscal year in

each city or town accepting paragraph (b) of this section, with identification of each individual vendor, notwithstanding any provisions in section 21 of chapter 62C to the contrary.

Elimination of Sales Tax Exemptions for Candy, Soft Drinks and Alcoholic Beverages

SECTION 32. Section 1 of chapter 64H of the General Laws, as so appearing, is hereby amended by adding the following definitions:

“Candy”, a preparation of sugar, honey, or other natural or artificial sweeteners in combination with chocolate, fruits, nuts or other ingredients or flavorings in the form of bars, drops, or pieces. “Candy” shall not include any preparation containing flour and shall require no refrigeration.

“Soft drinks”, non-alcoholic beverages that contain natural or artificial sweeteners. “Soft drinks” do not include beverages that contain milk or milk products, soy, rice or similar milk substitutes, or greater than fifty percent of vegetable or fruit juice by volume.

SECTION 33. Section 6 of said chapter 64H, as so appearing, is hereby amended by striking out, in line 72, the words “and one hundred and thirty-eight.”

SECTION 34. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by striking out, in line 77, the words “soft drinks,” and by striking out, in line 78, the words “, candy and confectionary” and by inserting, after the word “include”, in line 80, the following words:- soft drinks and candy, as defined in section 1,.

SECTION 35. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by striking out, in lines 115 to 116, the words “in the instance in which it sells only snacks and candy with a sales price of less than \$3.50” and inserting in place thereof the following words:- to the extent that it sells food products with a sales price of less than \$3.50; provided further that candy and soft drinks as defined in section 1 are subject to tax regardless of whether the vending machine from which they are sold is considered an eating establishment or not.

SECTION 36. Said section 6 of said chapter 64H, as so appearing, is hereby further amended by inserting after the word “Beverages”, in line 127, the following words:- ,except soft drinks,.

RMV Fees

SECTION 37. Section 33 of chapter 90 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 6 to 7, the words “, the fee for which is not otherwise provided for in any general or special law, the fee shall be \$36”.

SECTION 38. Said section 33 of said chapter 90, as so appearing, is hereby further amended by striking out, in line 143, the words “, the fee shall be \$40”.

Motor Vehicle Emissions Inspection and Maintenance Program-3

SECTION 39. Section 142M of chapter 111 of the General Laws, as so appearing, is hereby amended by inserting after the word "exhaust", in line 17, the following words:- , or a device which analyzes a motor vehicle's computer system relating to emissions.

Motor Vehicle Emissions Inspection and Maintenance Program-4

SECTION 40. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in lines 19 and 20, the words "including, but not " and inserting in place thereof the following words:- which may include, but not be.

Motor Vehicle Emissions Inspection and Maintenance Program-5

SECTION 41. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in line 134, the word "shall" and inserting in place thereof the following word:- may.

Motor Vehicle Emissions Inspection and Maintenance Program-6

SECTION 42. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in line 174, the words "a private entity" and inserting in place thereof the following words:- 1 or more private entities.

Motor Vehicle Emissions Inspection and Maintenance Program-7

SECTION 43. Said section 142M of chapter 111, as so appearing, is hereby further amended by striking out, in line 229, the words "and (iv)" and inserting in place thereof the following words:- (iv) any motor vehicle that United States Environmental Protection Agency or California Air Resources Board new vehicle certification requirements do not require to be equipped with an onboard diagnostic system, as determined by the commissioner; and (v)

Contractor/Subcontractor Prequalification – 1

SECTION 44. Section 44D ½ of chapter 149 of the General Laws, as so appearing, is hereby amended by inserting after the word "maintenance", in line 13, the following words:- ,local housing authority projects funded by the department of housing and community development.

Contractor/Subcontractor Prequalification – 2

SECTION 45. Section 44D ¾ of said chapter 149, as so appearing, is hereby amended by inserting after the word "maintenance", in line 16, the following words:- ,local housing authority projects funded by the department of housing and community development.

DOB Amendment to Chapter 167

SECTION 46. Chapter 167 of the General Laws is hereby amended by striking out section 2, as appearing in the 2006 Official Edition, and inserting in place thereof the following section:—
Section 2. (a) (1)The commissioner, either personally or by the commissioner's examiners or other assistants that the commissioner designates, shall, at least once in each calendar year, or at least once in an 18-month period in the case of a bank which is well capitalized as defined in 12 USC 1831(o) and the regulations adopted under that section, make a thorough examination of the books, securities, cash, assets and liabilities and ascertain the condition of all banks under the commissioner's supervision, including Massachusetts and out-of-state branches, the ability of each bank to fulfill its obligations, and whether it has complied with all applicable law. The commissioner may also, whenever he considers it expedient, make or cause to be made, at the expense of the bank, any further examinations or audits that the commissioner considers advisable, by his examiners or by certified public accountants or public accountants approved by him and subject to his direction and not connected with the bank. The commissioner may also, whenever he considers it expedient, appoint individuals certified as real estate appraisers by the society of real estate appraisers, or a similar successor society, to make, at the expense of the bank, appraisals of real estate securing loans of the bank. When the commissioner names these appraisers, he shall so notify the bank and advise it of the date on which he has requested submission of the appraisal report to him. The bank may then appoint an appraiser who may submit the report of his appraisal to the commissioner on the same date.

(2) The commissioner or the person making the examination shall, at the time of the examination, have free access to the vaults, investments, cash, books and papers. In making any examination which the commissioner considers necessary, the commissioner shall have access to the vaults, books and papers of each of the bank's affiliates and may make any examination of the affairs of its affiliates that may be necessary to disclose fully the relations between the bank and its affiliates and the effect of this relationship upon the affairs of the bank.

(b) (1) The commissioner shall preserve a full record of this examination of a bank including a statement of its condition. All records of investigations and reports of examinations by the commissioner, including workpapers, information derived from the reports or responses to the reports, and any copies of these records in the possession of any bank under the supervision of

the commissioner, shall be confidential and privileged communications, shall not be subject to subpoena and shall not be a public record under clause twenty-sixth of section 7 of chapter 4. For the purpose of this paragraph, records of investigation and reports of examinations shall include records of investigation and reports of examinations conducted by a financial regulatory agency of the federal government and any other state, and of any foreign government, which are considered confidential by the agency or foreign government and which are in possession of the commissioner. In any proceeding before a court, the court may issue a protective order to seal the record protecting the confidentiality of these records, other than any record on file with the court or filed in connection with the court proceeding, and the court may exclude the public from any portion of the proceeding at which the record may be disclosed.

(2) Copies of reports of these examinations shall be furnished to the bank for its use only and shall not be exhibited to any other person, organization or agency without the prior written approval of the commissioner. The commissioner may, in his discretion, furnish to the chief national bank examiner, the Federal Reserve Bank of Boston, the Federal Deposit Insurance Corporation, the Depositors Insurance Fund, the Cooperative Central Bank, the Massachusetts Credit Union Share Insurance Corporation, the National Credit Union Administration, the Office of Thrift Supervision, or any successor to these entities, any other bank regulatory or law enforcement agency, or the banking departments of other states or foreign countries, any information, reports and statements relating to the institutions under his supervision that he considers appropriate.

(c) (1) An annual charge shall be paid by each bank under the supervision of the commissioner which shall be based on the total amount of assets held by each bank as stated on the most recent report to the commissioner filed before December 31 of the preceding year. The charge assessed to all such banks shall be determined based on a calculation of the amount that would be sufficient to pay for the operations of the division of banks in the amount set forth in the division's appropriation for the fiscal year, and each bank shall pay the charge within 30 days after receiving notice from the commissioner of the charge assessed. The notice shall be issued annually by the commissioner on January 31 of each calendar year. The charge shall be determined annually by the commissioner of administration, with the assistance of the commissioner under section 3B of chapter 7 and may contain such classifications and differentiations based upon the financial condition of such banks as he considers appropriate. Classifications of individual institutions shall be exempt from section 10 of chapter 66. The annual charge shall be paid, on a pro rata basis, by the successor of any bank which is merged into, or whose assets are purchased and its deposit liabilities are assumed by a federally chartered or out-of-state bank during the preceding year. No annual charge shall be collected from a bank which has been in operation for 1 year or less. The aggregate amount of charges assessed by the division of banks for a fiscal year under this section and other applicable fee provisions shall not be less than the aggregate amount of revenues for the fiscal year as estimated for the division of banks or its successor agency in section 1B of the general appropriation act for that fiscal year.

(2) If, in any fiscal year, the assessment by the division of banks under the general or special laws or by regulations are insufficient to pay for the operations of the division of banks in the amount set out in its annual appropriation, or any additional appropriation for that fiscal year, the division of banks shall assess the remaining amount upon all depository and non-depository financial institutions under the supervision of the division of banks. This assessment shall be determined by regulations of the secretary of administration and finance with the assistance of the commissioner under section 3B of chapter 7 and may contain such classifications and

differentiations based upon the regulatory condition of each institution as the commissioner considers necessary. The classifications of individual institutions shall be exempt from section 10 of chapter 66. The assessment shall be paid within 30 days after notice from the commissioner of the amount due.

(3) The expense of the examination of the affairs of any affiliate of a bank, including all monies expended by the commonwealth for personal services and the proportion of the general overhead of the division of banks and loan agencies, including travel, hotel and meal allowances, and other costs, that is determined by the commissioner to be attributable to the examination or audit, shall be paid by the affiliate examined. For the purposes of this section, the term “affiliate” shall include holding company affiliates, but shall not include any person or corporation the control of which is held by a bank when acting in a fiduciary capacity.

Ch.58 Reporting Language

SECTION 47. Section 132 of chapter 58 of the acts of 2006 is hereby amended by striking out the word “thereafter”, in the third sentence, and inserting in place thereof the following words:- ; for 2 years after the effective date of this section, and shall be updated bi-annually for an additional 2 years. No additional reports shall be required after this section has been in effect for 4 years.

Accounting Technical Corrections -1

SECTION 48. Chapter 139 of the acts of 2006 is hereby amended by striking out section 96 and inserting in place thereof the following section:-

SECTION 96 Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2007.

Accounting Technical Corrections -2

SECTION 49. Chapter 61 of the acts of 2007 is hereby amended by striking out section 49 and inserting in place thereof the following section:-

SECTION 49 Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2008.

Film Tax Credit Report

SECTION 50. Section 13 of chapter 63 of the acts of 2007 is hereby amended by striking out, in the first sentence, the words “December 31, report in writing to the house and senate committee on ways and means on the status of the film tax credit” and inserting in place thereof the following words:- March 31, report in writing to the house and senate committee on ways and means on the status of the film credit for the previous calendar year.

Repealing Temporary Management of SRBTF

SECTION 51. Section 12 of chapter 135 of the acts of 2008 is hereby repealed.

Technical Correction – Welcome Home Payment

SECTION 52. Item 0610-2000 of section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the words ”; and provided further, that funds available in fiscal year 2008 shall be available for expenditure until June 30, 2009”.

KMPG Contract for Cash Flow Process

SECTION 53. Item 0699-9100 of section 2 of chapter 182 of the acts of 2008 is hereby amended by adding the following words: -
; and provided further, that not more than \$500,000 from this item shall be made available to the state treasurer, in collaboration with the secretary of administration and finance and the

comptroller, for the continued efforts to improve the processes and reporting of projecting the commonwealth's official cash flow, under section 10 of chapter 10 of the General Laws.

Technical Line Item Numbers -1

SECTION 54. Item 2800-0500 of section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the item number "2800-0500" and inserting in place thereof the following item number:- 2800-0501.

Technical Line Item Numbers -2

SECTION 55. Item 2810-2040 of said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the item number "2810-2040" and inserting in place thereof the following item number:- 2810-2041.

CHC's at MassHealth

SECTION 56. Item 4000-0700 of said section 2 of said chapter 182, as amended by section 41 of chapter 302 of the acts of 2008, is hereby further amended by striking out the words "provided further, that not less than \$10,000,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws" and inserting in place thereof the following words: "provided further, that not less than \$5,800,000 shall be expended to pay for an increase in Medicaid rates for community health centers, as defined in section 1 of chapter 118G of the General Laws."

Technical Line Item Numbers -3

SECTION 57. Item 4401-1100 of said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the item number "4401-1100" and inserting in place thereof the following item number:- 4401-1101.

DOB Amendment to FY09 Assessment

SECTION 58. Said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out item 7006-0010 and inserting in place thereof the following item:-

7006-0010 For the operation of the division of banks; provided, that notwithstanding any general or special law to the contrary, the division shall assess 100 per cent of the amount appropriated in this item upon financial institutions which the division currently regulates under section 2 of chapter 167 and section 24 of chapter 167B of the General Laws at a rate sufficient to produce \$12,582,991 in revenue that shall pay for this item. \$12,582,991

Amendment to FY09 GAA in line item 7035-0002

SECTION 59. Item 7035-0002 of said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the words "provided further, that funds shall only be expended in the CC, HH, PP, and UU object classes;"

FY09 GAA Clarification - Sexual Assault Evidence Kits

SECTION 60. Item 8000-0202 of said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the words "that no funds shall be expended in the AA object class; and provided further".

Retained Revenue Increase for ASAP's

SECTION 61. Item 9110-1630 of said section 2 of chapter 182 of the acts of 2008 is hereby amended by striking out the figure "\$8,000,000" and inserting in place thereof the following figure: - \$11,500,000.

Accounting Technical Corrections -3

SECTION 62. Said chapter 182 of the acts of 2008 is hereby amended by striking out section 81 and inserting in place thereof the following section:-

Section 81 Notwithstanding any general or special law to the contrary, the formula for application of funds provided in section 35J of chapter 10 of the General Laws shall not apply in fiscal year 2009.

Stabilization Fund Interest Transfer

SECTION 63. Chapter 182 of the acts of 2008 is hereby amended by striking out section 84 and inserting in place thereof the following section:-

Section 84. Notwithstanding any general or special law to the contrary, the comptroller shall, not later than June 30, 2009, transfer the interest earned from the Commonwealth Stabilization Fund during fiscal year 2009 to the General Fund. If the interest earned by the Commonwealth Stabilization Fund during fiscal year 2009 is less than \$91,000,000 then the amount transferred shall be \$91,000,000. The comptroller shall take the overall cash flow needs of the commonwealth into consideration in determining the timing of any transfer of funds provided for in this section.

MATF Transfers

SECTION 64. Paragraph (c) of section 88 of chapter 182 of the acts of 2008 is hereby amended by striking out the figure "\$346,000,000" and inserting in place thereof the following figure:- \$386,000,000; and by striking out the figure "\$148,000,000" and inserting in place thereof the following figure:-\$228,000,000; and by striking out the figure "\$74,000,000" and inserting in place thereof the following figure:- \$114,000,000.

FY09 GAA Technical Correction Ponkapoag Amendment - 1

SECTION 65. Section 103 of said chapter 182 of the acts of 2008 is hereby amended by striking out the first paragraph and inserting in place thereof the following paragraph:-

(a) Notwithstanding sections 40E to 40K, inclusive, and sections 52 to 55, inclusive, of chapter 7 of the General Laws or any other general or special law to the contrary, the division of capital asset management and maintenance, on behalf of and in consultation with the department of conservation and recreation may, using such competitive proposal process as the division considers necessary or appropriate, lease and enter into other agreements, for terms not to exceed 25 years with 1 or more operators, for the Ponkapoag golf course in the town of Canton so as to provide for the continued use, operation, maintenance, repair and improvement of the golf courses, practice greens, driving range, restaurant or any other structure and associated lands which constitute the facilities of the Ponkapoag golf course, in this section called the golf course; provided, however, that the division of capital asset management and maintenance, in consultation with the department of conservation and recreation shall prefer any proposal submitted by the town of Canton, or by a non-profit organization within the town of Canton, which complies with the requirements of this section; and provided further, that the division of capital asset management and maintenance shall provide the town of Canton not less than 45 days to determine whether the town shall submit a proposal before soliciting proposals under subsection (b); and provided further, that if the town of Canton executes a lease of the golf course under this section it shall not assign or otherwise transfer the lease to any third party.

FY09 GAA Technical Correction Ponkapoag Amendment - 2

SECTION 66. Said section 103 of chapter 182 of the acts of 2008 is hereby further amended by striking out the first paragraph of subsection (b) and inserting in place thereof the following paragraph:-

If no lease agreement is reached with the town of Canton under subsection (a) and not before April 1, 2009, the division of capital asset management and maintenance, in consultation with and on behalf of the department of conservation and recreation, shall solicit proposals through a request for proposals which shall include key contractual terms and conditions to be incorporated into the contract, including but not limited to: (1) a comprehensive list of all

recreational facilities operated by the responsive bidder or offer or in the last 4 years; (2) other facilities management or experience of the responsive bidder or offer; (3) a senior citizen and children discount program; (4) reservation policies; (5) proposed reasonable rates that will ensure continued public access; (6) required financial audits; (7) policies to encourage use of the golf course by persons of all races and nationalities; (8) safety and security plans; (9) seasonal opening and closing dates; (10) hours of operation; (11) holiday recognition; (12) grievance processes; (13) clubhouse license; (14) a provision that the facility shall be maintained as a 36-hole public golf course; (15) a provision that lessee shall not construct any facilities on the grounds of the golf course or any property appurtenant thereto; provided, however, that the lessee may construct facilities incidental to the operation of a golf course with the written approval of the commissioner of the department of conservation and recreation; (16) a host community agreement between the designated operator and the town of Canton. Any increase in fees including fees for season passes, and any increase in charges for greens fees, golf cart or club rentals shall be approved in writing by the commissioner of the department of conservation and recreation; provided, however, that in considering any request for an increase in fees, the commissioner shall consider without limitation: (i) any capital investment made by the contractor or lessee; (ii) the fees and charges at other public golf courses within reasonable proximity; and (iii) the length of time since the last fee increase.

FY09 GAA Technical Correction Ponkapoag Amendment - 3

SECTION 67. Said section 103 of the chapter 182 of the acts of 2008 is hereby further amended by striking out, in subsection (e), the words "Upon conveyance of the parcel, the" and inserting in place thereof the following word:- The.

Allocate Funds for PCA Agreement

SECTION 68. Section 2A of chapter 302 of the acts of 2008 is hereby amended by striking out item 1599-6379 and inserting in place thereof the following item:-

1599-6379 For a reserve to meet the fiscal year 2009 costs of salary adjustments and other economic benefits authorized by the collective bargaining agreement between the commonwealth and the Service Employees International Union; provided, that the secretary of administration and finance may transfer from the sum appropriated in this item to other items of appropriation and allocations thereof for fiscal year 2009 amounts that are necessary to meet those costs where the amounts otherwise available are insufficient for the purpose, in accordance with a transfer plan which shall be filed in advance with the house and senate committees on ways and means; and provided further, that no more than \$20,000,000 of the appropriated amount shall be transferred for the costs of the collective bargaining agreement, and the rest shall revert to the General Fund on June 30, 2010.....\$20,000,000

Technical Line Item Numbers -4

SECTION 69. Item 7010-0016 of section 2C of said chapter 302 of the acts of 2008 is hereby amended by striking out the item number "7010-0016" and inserting in place thereof the following item number:- 7010-0216.

Technical Line Item Numbers -5

SECTION 70. Item 6033-0817 of section 2A of said chapter 303 of the acts of 2008 is hereby amended by striking out the item number "6033-0817" and inserting in place thereof the following item number:- 6035-0817.

Technical Line Item Numbers -6

SECTION 71. Item 6033-0837 of said section 2A of chapter 303 of the acts of 2008 is hereby amended by striking out the item number "6033-0837" and inserting in place thereof the following item number:- 6035-0837.

Technical Line Item Numbers -7

SECTION 72. Item 6033-0867 of section 2B of said chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6033-0867” and inserting in place thereof the following item number:- 6035-0867.

Technical Line Item Numbers -8

SECTION 73. Item 6033-0877 of said section 2B of chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6033-0877” and inserting in place thereof the following item number:- 6035-0877.

Technical Line Item Numbers -9

SECTION 74. Item 6033-0887 of said section 2B of chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6033-0887” and inserting in place thereof the following item number:- 6035-0887.

Technical Line Item Numbers -10

SECTION 75. Item 6001-0801 of section 2C of said chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6001-0801” and inserting in place thereof the following item number:- 6001-0881.

Technical Line Item Numbers -11

SECTION 76. Item 6001-0802 of said section 2C of chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6001-0802” and inserting in place thereof the following item number:- 6001-0882.

Technical Line Item Numbers -12

SECTION 77. Item 6001-0804 of said section 2C of chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6001-0804” and inserting in place thereof the following item number:- 6001-0884.

Technical Line Item Numbers -13

SECTION 78. Item 6001-0805 of said section 2C of chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6001-0805” and inserting in place thereof the following item number:- 6001-0885.

Technical Line Item Numbers -14

SECTION 79. Item 6001-0813 of section 2E of said chapter 303 of the acts of 2008 is hereby amended by striking out the item number “6001-0813” and inserting in place thereof the following item number:- 6001-0820.

Technical Line Item Numbers -15

SECTION 80. Item 0640-0300 of section 2C of chapter 304 of the acts of 2008 is hereby amended by striking out the item number “0640-0300” and inserting in place thereof the following item number:- 0640-0301.

Technical Line Item Numbers -16

SECTION 81. Item 0330-9999 of section 2D of said chapter 304 of the acts of 2008 is hereby amended by striking out the item number “0330-9999” and inserting in place thereof the following item number:- 0330-9997.

Technical Line Item Numbers -17

SECTION 82. Item 0526-2010 of section 2A of chapter 312 of the acts of 2008 is hereby amended by striking out the item number “0526-2010” and inserting in place thereof the following item number:- 0526-2012.

Fix Middle/Middlesex Correction

SECTION 83. Subsection (b) of section 7 of chapter 377 of the acts of 2008 is hereby amended by striking out the word "middlesex" and inserting in place thereof the following word:- middle.

GIC Municipal Enrollment Date Correction

SECTION 84. Section 10 of chapter 377 of the acts of 2008 is hereby amended by striking out the date "January 1, 2012" and inserting in place thereof the following date:- July 1, 2009.

Bicycle Safety Technical Amendments

SECTION 85. (A) Chapter 525 of the acts of 2008 is hereby amended by striking out section 1 and inserting in place thereof the following section:-

Section 1. Chapter 6 of the General Laws is hereby amended by inserting after section 116D the following section:—

Section 116E. (a) The municipal police training committee shall develop and establish within the recruit basic training curriculum a course for regional and municipal police training schools for the training of law enforcement officers in bicycle safety enforcement and develop guidelines for traffic enforcement for bicyclist safety. As used in this section, "law enforcement officer" shall mean an officer of a municipal police department.

(b) The course in bicycle safety enforcement shall include, but not be limited to, instruction in the procedures and techniques described below:

(1) the rights and duties of bicyclists set forth in chapter 85;

(2) patterns and sources of injuries to bicyclists, both those involving and those not involving motor vehicles and the percentage of crashes involving cyclists riding against traffic, riding at night and riding on sidewalks;

(3) the most dangerous actions by bicyclists and procedures for citing bicyclists, including minors;

(4) common motorist actions causing bicycle crashes;

(5) reporting bicyclist crashes; and

(6) motorists intentionally endangering bicyclists.

(c) All law enforcement recruits shall receive the course in bicycle safety enforcement as part of their required training program.

(d) The course of instruction, the learning and performance objectives, the standards for training and the guidelines shall be developed by the municipal police training committee in consultation with the Massachusetts Bicycle Advisory Board and appropriate groups and individuals having an interest and expertise in bicycle safety.

(e) The municipal police training committee may include this course of instruction within its in-service training curriculum available to in-service trainees and any other public safety officers.

(B) Chapter 525 is hereby further amended by adding the following section:-

Section 15. Section 6 shall take effect on January 1, 2011.

Stabilization Fund Transfer

SECTION 86. Notwithstanding any general or special law to the contrary, in addition to funds already authorized to be transferred, the comptroller shall, on or before June 30, 2009, transfer \$327,000,000 to the General Fund from the Commonwealth Stabilization Fund, but the comptroller shall instead transfer a lesser amount if the secretary of administration and finance so requests in writing. The comptroller, in consultation with the secretary of administration and finance, may take the overall cash flow needs of the commonwealth into consideration in determining the timing of any transfer of funds. The comptroller shall provide a schedule of transfers to the secretary of administration and finance and to the house and senate committees on ways and means.

Group Insurance Commission Employee Contribution Tiered by Salary

SECTION 87. Notwithstanding chapter 150E of the General Laws and as provided in section 8 of chapter 32A and for the purposes of section 14 of chapter 32A, the commonwealth's share of group insurance premiums for active state employees and their dependents where the employees' annual salary is less than \$35,000 shall be 85 per cent; the commonwealth's share of premiums for active state employees and their dependents where the employees' annual salary is \$35,000 or greater but less than \$50,000 shall be 80 per cent; and the commonwealth's share of premiums for active state employees and their dependents where the employees' annual salary is \$50,000 or greater shall be 75 per cent. The commonwealth's share of premiums for active state employees and their dependents shall be determined annually by the active state employee's salary used or collected by the commission to calculate premiums for additional insurance established in section 10A of chapter 32A and disability insurance established in section 10D of chapter 32A. The commission shall notify the house and senate committees on ways and means by April 1 of each year of the cost of the commonwealth's projected share of group insurance premiums for the next fiscal year, and the group insurance commission may pay premium and plan costs for political subdivision employees, retirees and their dependents who are enrolled in the group insurance commission's health plans subject to the commission's regulations.

FY09 Reduction in Governor's Office

SECTION 88. Notwithstanding any general or special law to the contrary, in addition to the reduction made by clause (2) of subsection (a) of section 7 of chapter 377 of the acts of 2008, the appropriations for fiscal year 2009 in section 2 of chapter 182 of the acts of 2008 for the office of the governor shall be reduced by \$286,943.

MATF Corrective Language

SECTION 89. Notwithstanding sections 12 and 15 of chapter 29 of the General Laws, the authorization to transfer from the General Fund to the MassHealth provider payment account in the Medical Assistance Trust Fund under section 123 of chapter 139 of the acts of 2006, chapters 146 and 176 of the acts of 2006, and section 57 of chapter 61 of the acts of 2007 shall expire on June 30, 2009; provided, that such transfers may be made during fiscal year 2009 upon the direction of the secretary of administration and finance.

Transfer to Lead Paint Abatement Program

SECTION 90. Notwithstanding any general or special law to the contrary, the department of environmental protection shall transfer \$4,000,000 of funds previously appropriated or loans repaid as a result of item 1231-1020 of section 2 of chapter 151 of the acts of 1996, as inserted by section 72 of chapter 204 of the acts of 1996, to the lead paint abatement program established by section 197E of chapter 111 of the General Laws.

Gryphon Contract

SECTION 91. Notwithstanding any general or special law to the contrary, for fiscal years 2009 and 2010, net recoveries generated by any contract entered into by the comptroller under section 29E chapter 29 of the General Laws for accounts receivable cost recovery services shall be deposited as unrestricted revenue in the General Fund, but federal funds shall be returned to the federal government, and any amounts to be financed through the sale of bonds shall be used to reduce the amount financed.

Telecom - Effective Dates

SECTION 92. Sections 21, 22 and 23 of this act shall take effect on January 1, 2009.

SECTION 93. Section 24 of this act shall take effect as of January 1, 2008 and shall apply to property taxes assessed for fiscal years beginning on or after July 1, 2008. Notwithstanding any

general or special law to the contrary, for fiscal year 2009, the assessors of any city or town may assess taxes for any personal property taxable under section 24 not included in the fiscal year 2009 annual tax assessment to its owner in the manner and within the time provided by section 75 or 76 of said chapter 59.

DOR Paying Interest on Refunds – Effective Date

SECTION 94. Section 26 of this act shall take effect for returns filed on or after January 1, 2009.

Elimination of Sales Tax Exemption – Effective Date

SECTION 95. Sections 32 through 36 of this act shall be effective on April 1, 2009.

RMV Fees – Effective Date SECTION 96. Motor vehicle registration and license fees established under section 33 of chapter 90 of the General Laws before sections 37 and 38 of this act take effect shall continue in force until new fees have been adopted under said section 33 of chapter 90, as amended by sections 37 and 38.

GIC Tiering - Effective Date

SECTION 97. Section 87 shall take effect on January 1, 2009.